

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ANTONIO JONES §
VS. § CIVIL ACTION NO. 1:23cv21
ZENA STEPHENS §

MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Antonio Jones, a pretrial detainee confined at the LaSalle jail facility in Beaumont, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends dismissing the petition based on Petitioner's failure to exhaust available state habeas remedies.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record and pleadings. Petitioner filed objections to the Magistrate Judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the Court concludes Petitioner's objections should be overruled. In his objections, Petitioner states he is currently exhausting his state habeas remedies. Therefore, the Petition should be dismissed as recommended based on Petitioner failing to exhaust state habeas remedies prior to filing this petition.

O R D E R

Accordingly, Petitioner's objections are OVERRULED. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is ADOPTED. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED this 25th day of April, 2023.

Michael J. Truncale

Michael J. Truncale
United States District Judge